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Attorney Docket No. 5725.0598-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Valérie de la Poterie and Bertrand Piot

Application No.: 09/598,637

Filed: June 21, 2000

For: MASCARA COMPRISING A
POLYMER DISPERSED IN A
LIQUID FATTY PHASE

Group Art Unit: 1615

Examiner: L. Channavajjala

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE UNDER 37 C.F.R. § 1.111

In reply to the Office Action dated March 4, 2002, Applicants respectfully request reconsideration of the application in view of the following remarks.

REMARKS

I. Status of the Claims

Claims 1-31 are pending in this application. No claims have been cancelled or amended by this response.

II. Rejection For Double Patenting

The Office rejected claims 1-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 5,945,095 to Mougin et al. ("Mougin"). The Office contended that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other

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